

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/603,882	CAROLINE ET AL.	
	Examiner William P. Fletcher III	Art Unit 1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the application filed 6/25/2003.
2.  The allowed claim(s) is/are 1-20.
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

*WPF 3/19/2004*  
William Phillip Fletcher III  
Patent Examiner  
USPTO  
Group Art Unit 1762

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles L. Thoeming (Reg. No. 43,951) on 3/18/2004.

The application has been amended as follows:

*In the specification...*

*...the CROSS-REFERENCES TO RELATED APPLICATIONS has been amended to read:*

This application is a continuation-in-part of the inventors' [pending] United States non-provisional application, Serial Number 09/747,222, filed 26 December 2000, now U.S. Patent No. 6,623,805 B2.

*... the abstract has been amended to read:*

The present invention relates to an improved [sealing] protective composition and method. The [sealing] protective composition uses near equal amounts by weight or volume of a pre-polymer and curative. The mixture is applied by a portable spray apparatus using a mixing

spray nozzle. For temporary [sealing] protective coatings using the present invention, a releasing agent is applied to the surface to be [sealed] protected. The present invention is ideally suited to protect bath tubs, whirlpools, shower stalls, shower pans, tile, marble, glass, metal, hardwoods, other smooth, non-porous surfaces, and the like. The resulting protective coat from the present invention is impenetrable to ladders, boots, sheet rock, mud, paint, dirt, metal pieces, rocks, gravel, sand, and grime, which might accompany work on or around the protected surface [sealed and thus protected]. The present invention also provides a means to avoid scratching, nicking, marring, chipping, staining, painting, and abrading, from these and a multitude of other external forces or objects. As a permanent coating, the present invention can guard against weather, water, sun damage, wind damage, or provide attributes specifically needed on certain surfaces such as improved traction for wet or water-exposed surfaces.

*In the claims, claims 1, 4, 5, and 6 have been amended to read:*

1. (currently amended) A method for protecting surfaces, comprising the steps of:
  - inspecting the application surface;
  - applying masking materials to protect the application surface boundary;
  - protecting any functional opening in the application surface using convex polyvinyl molding materials over the functional openings;
  - preheating a protective material to a temperature of 40 degrees Fahrenheit to 120 degrees Fahrenheit;

applying a wet releasing agent to the application surface once an ambient temperature range between 20 degrees Fahrenheit and 120 degrees Fahrenheit is met;

using an application means to apply the heated protective material to coat the application surface and wet releasing agent;

inspecting the protective material coating for consistency;

adjusting the [heated] protective material coating by reapplying the protective material as necessary;

allowing the protective material coating to cure;

performing work around the coated application surface;

completing the work around the coated application surface;

locating any functional openings in the coated application surface by the convex protrusion in the coated application surface;

opening the functional opening by cutting through or pulling off the convex protrusion in the application coating and convex polyvinyl mold there-under;

performing any necessary work to the functional opening;

completing any necessary work to the functional opening;

removing any masking materials used to protect the application surface;

removing the intact remaining protective coating from the coated application surface;

reusing the intact protective coating for surfaces with an identical surface area and geometry as the previous application surface without [the necessity of] applying any releasing agent or new protective coating materials.

4. (currently amended) The method of claim 3, further comprising [the sub-step of] applying the heated protective material to the application surface of a thickness of from 1/32 to 1/16 of an inch on vertical surfaces and to a thickness of 1/16 to 3/32 of an inch on horizontal surfaces.

5. (currently amended) The method of claim 3, further comprising [the sub-step of] applying means to provide a friction surface to the heated protective material before the protective material cures.

6. (currently amended) The method of claim 5, wherein the means to provide a friction surface to the heated protective material before the protective material cures further comprises [the sub-step of] applying sand to the heated protective material after it has been applied to the protected surface.

2. The following is an examiner's statement of reasons for allowance: The closest prior art is Liddell et al. (US 5,851,618 A). This reference teaches a removable, re-useable, protective floor-coating composition. While a release coating is initially applied to the surface, the reference is silent with respect to whether or not the release coating is applied when the coating is re-applied. The prior art neither teaches nor suggests such a feature.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

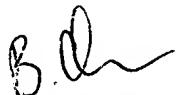
fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Fletcher III whose telephone number is (571) 272-1419. The examiner can normally be reached on Monday through Friday, 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (571) 272-1415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*WPF 3/19/2004*  
William P. Fletcher III  
Examiner  
Art Unit 1762



BRET CHEN  
PRIMARY EXAMINER